

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

**DERRICK PERRY, *et al.*, individually  
and on behalf of other similarly  
situated persons,**

**Plaintiffs,**

**v.**

**NATIONAL CITY BANK, *et al.*,**

**Defendants.**

**Case No. 05-cv-891-DRH**

**ORDER APPROVING SETTLEMENT,  
ATTORNEYS' FEES AND SERVICE AWARDS**

**HERNDON, Chief Judge:**

Before the Court is the Parties' Joint Motion for Approval of FLSA Collective Action Settlement and Plaintiffs' Unopposed Application for Attorneys' Fees and Service Payments (hereinafter, the "Joint Motion") and supporting memorandum (Docs. 79 & 80). Having fully and carefully reviewed the Joint Motion and supporting memorandum, the proposed Settlement Agreement and Release of Claims ("Settlement Agreement"), the proposed Notice of Collective Action Settlement ("Notice"), and the proposed Opt-In Form and Release Agreement, the Court finds that the Settlement Agreement was negotiated at arms length by the parties and is a fair, equitable and reasonable resolution of a bona fide dispute in contested

litigation. Therefore, the Joint Motion (Doc. 79) is **GRANTED**, finding all other pending motions to be moot. Accordingly, the Court **ORDERS** that:

1. The Settlement Agreement is approved as a fair and reasonable resolution of a bona fide dispute in this contested litigation. Moreover, the formula for distribution of settlement payments set forth in the Settlement Agreement is approved as a fair, equitable, and reasonable measure for distributing the settlement payment by Defendants to the individuals eligible to participate in the settlement;

2. The Court approves, as to form and content, for dissemination and distribution in accordance with the Settlement Agreement, the Notice, as well as the Opt-In Form and Release Agreement;

3. Defendants are ordered to pay settlement distributions, in accordance with the terms of the Settlement Agreement, to all Participating Plaintiffs (including the Named and other Current Plaintiffs) who properly execute and return Opt-In Form and Release Agreements within the prescribed Notice period;

4. The request for attorneys' fees and costs in the amount of thirty-three percent (33%) of the settlement fund is approved;

5. The service payments to the Named and the other Current Plaintiffs in the amounts set forth in the settlement pleadings are approved and to be paid per the terms of the Settlement Agreement;

6. Defendants are hereby ordered to pay, in accordance with the terms of the Settlement Agreement, the Named and Current Plaintiffs their service payments and Plaintiffs' counsel their attorneys' fees and costs, and;

7. Upon completion of the opt-in process for individuals who receive the Notice, the parties shall submit to the Court a proposed Final Judgment and Dismissal with Prejudice in the form attached to the Settlement Agreement as Exhibit D.

**IT IS SO ORDERED.**

Signed this 3<sup>rd</sup> day of March, 2008.

/s/ David R. Herndon

**Chief Judge  
United States District Court**